

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:98-CV-38-B02

FILED

OCT 16 1998

DAVID W. DANIEL, CLERK
U. S. DISTRICT COURT
E DIST. NO. CAR.

MILTON BLACKWELL,
Plaintiff,

VS.

**UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Defendant**

PLAINTIFF'S
RESPONSE TO MOTION
OF DISMISSAL AND
SUMMARY JUDGEMENT

MEMORANDUM IN SUPPORT OF PLAINTIFF MILTON BLACKWELL'S MOTION
FOR RELIEF TO PLAINTIFF AS REQUESTED IN SUIT AND SUMMARY
JUDGEMENT THAT THE EEOC PROVIDE THE REQUESTED RELIEF AS
REQUESTED IN PLAINTIFF'S SUIT

I. STATEMENT OF FACTS

Plaintiff initiated this action by filing a complaint on June 5, 1998, against the Raleigh Area EEOC (herinafter RAO) under the Freedom of Information Act (herinafter FOIA) because the RAO failed to make any response to my requests for a copy of my file in my letters of 10/7/98 or 5/8/98.

When Plaintiff contacted Washington, DC EEOC it was not in request for a copy of my file but in the hopes to gain assistance from the Washington, DC EEOC in that they would perform a proper investigation of my sexual discrimination suit that I had filed with the RAO, Charge no. 141970509. To this end, in ignorance, in my letter of 8/10/98 to the Washington, DC EEOC (cover letter enclosed), Plaintiff even sent

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some of the documents to the Washington, DC EEOC that Plaintiff had submitted to RAO in Plaintiff's sexual discrimination suit. It was to Plaintiff's total surprise and shock when Plaintiff found out from the Washington, DC EEOC that whether the RAO was right or wrong that they would act in behalf of the RAO. Plaintiff's records reflect that Plaintiff's letter of 10/7/97 requesting a copy of my file was received by the RAO on 10/16/97. Letter of 10/7/97 and copy of return receipts from letter of 10/7/97 and 5/8/98 are enclosed.

Respectfully submitted,

Milton Blackwell
Plaintiff

This 15th day of October, 1998


Milton Blackwell

Milton Blackwell
1305 Eastway, Apt. 8
Elizabeth City, NC 27909

Date: 10/07/97

Home Phone: 919-331-2422
Work Phone: 919-335-3319

Charge # 141970509

Richard E. Waltz, Director
E.E.O.C
Raleigh Area Office
1309 Annapolis Drive
Raleigh, NC 27608-2129

Mr. Waltz,

I write this letter in request of a copy of my file in charge # 141970509
for the purpose of pursuing the matter in court.

Sincerely,

A handwritten signature in cursive script that reads "Milton Blackwell". The signature is written in dark ink and is positioned above the printed name.

Milton Blackwell

COPY OF RETURN RECEIPTS FROM LETTERS OF 10/7/98 AND 5/8/98 TO RAO.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Richard E. Waltz, Director
 E.E.O.C
 Raleigh Area Office
 1309 Annapolis Drive
 Raleigh, NC 27608-2129

4a. Article Number
 P 519 103 052

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
 OCT 16 1997

5. Received By: (Print Name)
 [Signature]

6. Signature: (Addressee or Agent)
 X [Signature]

PS Form 3811, December 1994

RALEIGH, NC CREEK STATION
 OCT 16 1997
 USPS

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 RICHARD E. WALTZ, Director
 E.E.O.C
 Raleigh Area Office
 1309 ANNAPOLIS DRIVE
 Raleigh, NC 27608-2129

4a. Article Number
 P 519 103 990

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
 MAY 13 1998

5. Received By: (Print Name)
 [Signature]

6. Signature: (Addressee or Agent)
 X [Signature]

PS Form 3811, December 1994

RALEIGH, NC CREEK STATION
 MAY 13 1998
 USPS

Domestic Return Receipt

Thank you for using Return Receipt Service.

8/10/98

Mrs. Emily Kim,

Per Ms. Drane's letter of 7/6/98 and my letter in response, 7/27/98, perhaps it will explain a bit about why I want a copy of my file.

Because of the way they handled my case, I feel that there is something shady going on with them. Either they dismissed my case without holding a complete investigation which means that they didn't do their job, ~~and~~ they are trying to hide it, or they found something and they are trying to hide it. Because of the names of the parties and agencies involved.

Either way, if they didn't uphold EEOC statutes, that makes them accomplices. I believe the enclosed correspondence will reflect why I wrote to the Washington EEOC for assistance.

Sincerely,

Milton Blackwell

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Plaintiff
Milton Blackwell's Memorandum in Support of Motion was mailed
by first class mail on October 15th, 1998 to the
following party:

Equal Opportunity Employment Commission
1801 L Street, N.W.
Room 6033
Washington, DC 20507

This 15th day of October, 1998

Milton Blackwell
Plaintiff


Milton Blackwell